



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
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GAVIN NEWSOM, Governor
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May 23, 2024

Don Snaman, Project Manager
Port of Redwood City
675 Seaport Blvd
Redwood City, CA 94063
c-dsnaman@redwoodcityport.com

Dear Mr. Snaman:

Port of Redwood City Ferry Terminal Project (Project)
Notice of Preparation (NOP)
SCH# 2024041306

The California Department of Fish and Wildlife (Department) received a NOP from the Port of Redwood City (Port) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

The Department is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. The Department requires a Lake and Streambed Alteration Agreement (LSA) notification, pursuant to Fish and Game Code § 1600 et. seq., for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, bank or channel or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. As proposed, implementation of the Project may also result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Water Emergency Transportation Authority (WETA)

Objective: Establishment of a ferry terminal with passenger ferry service operated by WETA at Redwood City with origin and destination points of San Francisco and Oakland.

Location: The Project would be located on a property at the confluence of Redwood Creek and Westpoint Slough and landside improvements along Seaport Boulevard and portion of the existing public parking lot and waterfront park northwest of Pacific Shores Center in the city of Redwood City, San Mateo County.

Timeframe: The Project is expected to begin in 2025 and take approximately 14 months to complete.

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

STATE AND FEDERALLY LISTED AND COMMERCIAL/RECREATIONALLY IMPORTANT SPECIES

Protected species under the State and Federal Endangered Species Acts that could

potentially be present near Project activities include:

- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Central Valley Spring-run), state and federally endangered (Sacramento River Winter-run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast and Central Valley evolutionary significant units)
- Green sturgeon (*Acipenser medirostris*), federal threatened (Southern Distinct Population Segment)
- White sturgeon (*A. transmontanus*), state species of special concern (SSC),
- California least tern (*Sternula antillarum browni*), state and federal endangered, state fully protected
- White-tailed kite (*Elanus leucurus*; state fully protected)
- Salt-marsh wandering shrew (*Sorex vagrans halicoetes*; SSC)
- Salt-marsh harvest mouse (*Reithrodontomys raviventris*), state and federally endangered, state fully protected
- Northern harrier (*Circus hudsonius*; SSC)
- Saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*; SSC)
- Alameda song sparrow (*Melospiza melodia pusillula*; SSC)
- Yellow rail (*Coturnicops noveboracensis*; SSC)
- California Ridgway's rail (*Rallus obsoletus obsoletus*), federal and state endangered and state fully protected
- California black rail (*Laterallus jamaicensis coturniculus*), state threatened and state fully protected
- Wester snowy plover (*Charadrius nivosus nivosus*), federally threatened

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Project activities. These include:

- Pacific herring (*Clupea pallasii*)
- Surfperches (*Embiotocidae*)
- Crangon shrimp (*Crangon spp.*)

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the Port in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Marine Project Level Impacts and Other Considerations

Hydroacoustic Impacts on Aquatic Species

Comment: The construction of various ferry terminals around San Francisco Bay have identified potential for elevated underwater sound levels that could impact state and federally listed aquatic species. Species of particular concern in Redwood Creek are the longfin smelt and white sturgeon. Neither species have a specific in-water work window that would be sufficient in preventing potential impacts from pile driving activities making both species vulnerable to elevated sounds levels detrimental to fish as outlined in the Interim Criteria for Injury to Fish from Pile Driving Activities (attached).

Recommendation: The Department recommends that the DEIR include analysis of potential impacts from pile driving impacts and include avoidance and minimization measures (AMM) that may reduce the potential impact on aquatic species from elevated underwater sound levels. Example AMM include:

- All pile diving will occur with a vibratory hammer.
- If impact hammering is necessary, a soft start, wood cushion block, and/or bubble curtain should be utilized.
- Hydroacoustic monitoring plan will be prepared.

State Species of Special Concern

Comment: Although the SSC designation does not have a formal legal status, species are designated to bring additional attention to conservation, research, and recovery of species that have previously been subject to population declines or are generally rare. SSCs should be considered during the environmental review process. CEQA (California Public Resources Code §§ 21000-21177) requires State agencies, local governments, and special districts to evaluate and disclose impacts from projects in the State. Section 15380 of the CEQA Guidelines indicates that species of special concern should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein. Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species) species are generally considered significant thus requiring lead agencies to prepare an Environmental Impact Report to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

Recommendation: The Department recommends the DEIR include analysis of the potential impacts to all SSC.

White Sturgeon

Comment: The White sturgeon is currently a SSC however, the Department received a petition to list White sturgeon as threatened under CESA on November 29, 2023. The Department has completed its review of the petition and determined that listing may be warranted. Information regarding this petition for listing can be found on the California Fish and Game Commission webpage at, https://fgc.ca.gov/CESA?utm_medium=email&utm_source=govdelivery#ws.

Recommendation: The Department recommends the DEIR include analysis of the potential impacts to White sturgeon and track the potential candidacy of the species while drafting the DEIR.

Department Authority and Permits

Comment: Table 1 - Agencies, Permits, and Approvals, in the Initial Study does not identify the Department as an agency with permits or authority over the Project. As described above, the Department is submitting this comment letter as both a trustee agency for the state fish and wildlife resources and as a responsible agency under CEQA. The Project components and methods may result in impacts to fish and wildlife resources which are under the authority of CDFW.

Given the potential impacts to state listed species and CDFW managed and designated areas of Bair Island, the Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Specifically, a Section 2081(b) Incidental Take Permit (ITP) and a Section 1600 Lake and Streambed Alteration Agreement (LSA), may be necessary.

Recommendation: The Department recommends that the DEIR include the Department in Table 1 as a responsible agency with authority over the states fish and wildlife resources in which the Project may impact and is anticipated to provide authorization of the project through issuance of an ITP and LSA.

Bair Island State Marine Park and Ecological Reserve

Comment: The Project is adjacent to the Bair Island State Marine Park (SMP). As described in the Initial Study, the Projects activities may be in conflict with regulations of this marine protected area. State Marine Parks prohibit injury, damage, take, or possession of living or non-living marine resources and any human use that may compromise the protection of the resources may be restricted (California Code of Regulations Title 14, Section 632(a)(1)(B)). Additionally, CDFW owns and operates the Bair Island Ecological Reserve which shares marine habitat with the SMP.

The only allowed activities within the SMP and Ecological Reserve include the following:

- Recreational take of species other than kelp by hook-and-line from shore only is allowed.
- Boating, swimming, wading, and diving are prohibited within the park.
- Take of waterfowl in accordance with waterfowl hunting regulations is allowed.
- No person, except state and local law enforcement officers, fire suppression agencies and employees of CDFW in the performance of their official duties or persons possessing written permission from CDFW, shall enter this park during the period February 15 through May 20.

If any of the Project activities are determined to be in conflict with the allowed activities, additional coordination with CDFW may be warranted.

Recommendation: The Department recommends the DEIR include analysis of the potential impacts the Project may have on the SMP and Ecological Reserve and coordinate with CDFW prior to the release of the DEIR.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.)

CONCLUSION

The Department appreciates the opportunity to comment on the NOP to assist the Port in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed Arn Aarreberg, Environmental Scientist, at (707) 791-4195 or R7CEQA@wildlife.ca.gov.

Sincerely,



Craig Shuman, D. Env
Marine Regional Manager

Attachment

Interim Criteria for Injury to Fish from Pile Driving Activities

ec: Becky Ota, Program Manager
Department of Fish and Wildlife

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State Clearinghouse (SCH No. 2024041306)